



#13
5/24/02
MAY 15 2002
Technology Center 2100
PATENT RECEIVED
W/ Declaration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kimle, et al.
SERIAL NO : 09/335,648
FILED : June 18, 1999
TITLE : METHOD OF ELECTRONICALLY INITIATING AND MANAGING
AGRICULTURAL PRODUCTION CONTRACTS
Grp./A.U. : 2164
Examiner : Kyle, C.
Conf. No. : 6709
Docket No. : P03566US0

RESPONSE ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Response is concurrently filed with the Request for Continued Examination of the same date. Entry and consideration is respectfully requested.

Due Diligence

The attached Fourth Supplemental Declaration is in response to the telephonic interview of May 7, 2002 with the Examiner. It is respectfully submitted to unequivocally show that the activities of the Assignee of the present application was directed primarily towards moving the invention claimed in this application from conception to reduction of practice over the relevant

05/10/2002 RHMARISI 00000115 09335648

02 FC:210

-50.00 OP

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 8th day of May, 2002.

Adjustment date: 05/14/2002 TLWU11
05/10/2002 RHMARISI 00000115 09335648
02 FC:210

-260.00 OP

Wanda R. Webb

05/14/2002 TLWU11
01 FC:217

260.00 OP
00000008 09335648

period of time. It is respectfully submitted that any issue regarding the same has been resolved and that the Walker patent should be removed as a prior art reference rendering the claims allowable over the rejections of record.

§ 103 Rejections

Regardless of whether Walker can be utilized as a reference, it is respectfully submitted that the Applicants' claims are allowable over the rejections based on prior art. Specific reasons are set forth in Applicants' responses to Office Action in the parent application, including response files February 8, 2002 and August 27, 2001, both of which are repeated and incorporated by reference herein.

This not only includes the rejections including Walker as a reference, but also the rejection of claim 24 based on the Smith and Hipsly references, which has been discussed in Applicants' prior responses (again incorporated by reference).

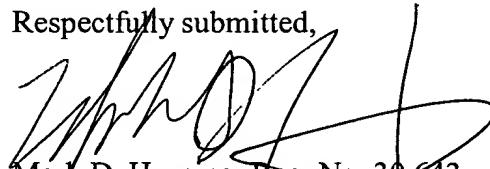
Conclusion

It is respectfully submitted that the responses and evidence of record place the application in form for allowance. Favorable action is respectfully requested.

Accompanying this response is a fee transmittal including the fee to extend the deadline for response to May 8, 2002. It is not believe that any additional fees are required for entry of this response. If any such fee has been inadvertently overlooked, or any additional petition for

extension of time is required for entry of this response, please consider this a request therefore and charge the required fee to deposit account #26-0084.

Respectfully submitted,



Mark D. Hansing, Reg. No. 30,643
McKEE, VOORHEES & SEASE
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885
Attorneys of Record

- WTW -

Encl.- Fourth Suppl. Decl (Cavey)